

REMARKS

Claims 10 to 13 remain pending. Claims 1 to 9 and 14 to 38 have been cancelled.

Claims 13, 17 and 35 have been objected to under 35 C.F.R. 1.75(c) as being in improper dependent form. Claims 13, 17 and 35 were said to not further limit the subject matter of the claims from which they depend.

The rejection of claims 17 and 35 under 35 C.F.R. 1.75(c) is moot since they have been cancelled. The rejection of claim 13 under 35 C.F.R. 1.75(c) is moot in view of the amendment setting forth a length of time of application.

Claim 16 has been rejected under 35 U.S.C. 112, second paragraph, for failure to particularly point out and distinctly claim the subject matter regarded as the invention.

The rejection of claim 16 is moot since it has been cancelled.

Claims 10 to 13, 15 to 21 and 31 to 38 have been rejected under 35 U.S.C. 102(b) as being anticipated by JP 07-126143. JP 07-126143 is said to describe a cosmetic for whitening skin having an extract of *Lagerstroemia speciosa*. JP 07-126143 is also said to teach preventing skin roughness, skin glossiness and skin tension.

Claims 10 to 13 patentably distinguish the teachings of JP 07-126143 (referring to the English-language translation provided by the USPTO). Independent claim 10 requires that a composition having crape myrtle be topically applied to the skin to treat deterioration of collagen. JP 07-126143 discloses the effects of whitening skin, preventing rough skin/wrinkling, maintaining skin glossiness and lubricity, treating skin tension and inhibiting hyaluronidase activity. JP 07-126143 does not disclose or suggest the topical application of crape myrtle to treat the deterioration of collagen nor does it relate any of the disclosed effects as relating to treating the deterioration of collagen.

Example 2 in the present application supports the premise of prevention of the deterioration of collagen. The data in Example 2 shows an increase in fibroblast production activity. An increase in fibroblast activity directly translates into an increase in collagen production.

The rejection of claims 15 to 21 and 31 to 38 under 35 U.S.C. 102(b) over JP 07-126143 is moot since those claims have been cancelled.

Claims 10, 13, 15 to 19, 30 to 35 and 38 have been rejected under 35 U.S.C. 102(b) as being anticipated by NIPPON JP 05208913 A (NIPPON). The NIPPON reference is said to teach using an extract of *Lagerstroemia speciosa* to soften the stratum corneum.

Claims 10 and 13 patentably distinguish the teachings of the NIPPON reference (referring to the English language abstract). Independent claim 10 requires that a composition having crape

myrtle be topically applied to the skin to treat deterioration of collagen. The NIPPON reference discloses only the effect of softening the stratum corneum. The NIPPON reference does not disclose or suggest the topical application of crape myrtle to treat the deterioration of collagen nor does it relate softening the stratum corneum to treating the deterioration of collagen.

The rejection of claims 15 to 19, 30 to 35 and 38 under 35 U.S.C. 102(b) over the NIPPON reference is moot since those claims have been cancelled.

Claims 10, 13, 15 to 18, 32 to 35 and 38 have been rejected under 35 U.S.C. 102(b) as being anticipated by MIKIMOTO JP 07157420 (MIMI-N). The MIMI-N reference is said to teach a cosmetic material having skin whitening, anti-oxidation and hyaluronidase inhibition activities as well as good skin moisturizing effects.

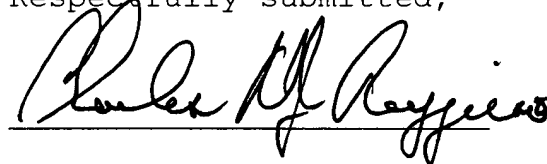
Claims 10 and 13 patentably distinguish the teachings of the MIMI-N reference (referring to the English language abstract). Independent claim 10 requires that a composition having crape myrtle be topically applied to the skin to treat deterioration of collagen. The MIMI-N reference discloses the effects of improved whitening, antioxidation and hyaluronidase activity inhibition as well as the advantages of appearance and improved moist holding property by cholesteric liquid crystals. The MIMI-N reference does not disclose or suggest the topical application of crape myrtle to treat the deterioration of collagen nor does it relate the disclosed effects or advantages to treating the deterioration of collagen.

The rejection of claims 15 to 18, 32 to 35 and 38 under 35 U.S.C. 102(b) over MIMI-N is moot since those claims have been cancelled.

Claim 13 further distinguishes the cited references in that it requires topical application at least once daily for 1, 2, or more weeks.

Reconsideration of claims 10 to 13 is deemed warranted in view of the foregoing, and allowance of said claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Charles N. J. Ruggiero", is written over a horizontal line.

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